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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May, 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO. 18504 OF 1992

BETWEEN :

Sri. Basaiah  
major, son of Gudnaiah  
resident of Devagana Gudnappana Mutt  
Gudnappana Mutt Post  
Near Kukanoor  
Yelburga Taluk  
Raichur District

. . PETITIONER

(Sri H.R. Sripada, Advocate for  
petitioner)

A N D :

1. State of Karnataka  
represented by its  
Commissioner & Secretary  
Revenue Department  
Multistoreyed building  
Dr. B.R. Ambedkar Veedi  
Bangalore - 560 001
2. The Deputy Commissioner  
Raichur District  
Raichur

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3. The Assistant Commissioner  
Koppal Sub-Division  
Koppal
4. The Tahsildar  
Yelburga Taluk  
Yelburga
5. Senior Geologist,  
Raichur District  
Raichur

.. RESPONDENTS

(Sri T.P. Nambiar A.G.A. for  
respondents)

Writ Petition filed under Articles 226 & 227 of the Constitution of India, praying to; issue a writ of mandamus or any other appropriate writ, order or direction as deemed fit, restraining the respondents from interfering with the petitioner's right to excavate, remove and transport granite found in his patta land in accordance with Section 38 of the Karnataka Land Revenue Code, 1888 and Section 70 of the Karnataka Land Revenue Act in the interest of justice, etc.

This Writ Petition coming on for Hearing, this day, the Court made the following :

O\_R\_D\_E\_R

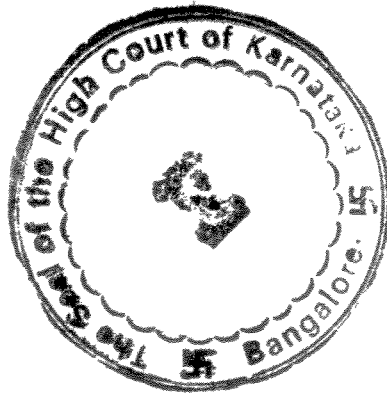
There is no appearance for the petitioner.

2. The petitioner seeks appropriate relief to permit him to excavate, remove and transport the granite found



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found in his patta land. The learned Government Advocate submits that the land is leased for agricultural purposes and as such he cannot do so. I do not propose to investigate this issue as it is purely a question of fact. The petitioner may approach the Assistant Commissioner, Koppal Sub-Division, Koppal, the 3rd respondent herein, for appropriate permission to excavate, remove and transport the granite in the land referred to in the Writ Petition and the 3rd respondent will examine the same and pass appropriate orders. The Writ Petition is disposed of as above.



Sd/-  
JUDGE

Pkc/Hrp